

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:17-cv-00001-FDW

SUSAN E. KELLER,

Plaintiff,

vs.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

ORDER

THIS MATTER is before the Court on the unpublished opinion (Doc. No. 19) and mandate (Doc. No. 20) of the Fourth Circuit Court of Appeals. Pursuant to said opinion and mandate, the Court enters the following Order.

ORDER

IT IS THEREFORE ORDERED that the Judgment (Doc. No. 15) in this matter is AFFIRMED in part and VACATED in part, and the Commissioner's decision in this matter is hereby REVERSED AND REMANDED for further proceedings consistent with the Fourth Circuit's opinion (Doc. No. 19). The ALJ should also address on the record, first, whether Keller's inability to pay for physical therapy excuses her noncompliance under Lovejoy v. Heckler, 790 F.2d 1114 (4th Cir. 1986), and second, the reasons behind Keller's noncompliance with the brace and bone stimulator.

IT IS SO ORDERED.

Signed: January 28, 2019



Frank D. Whitney
Chief United States District Judge

